

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TAFARI BARNETT,

Plaintiff(s).

-against-

**MOUNT VERNON POLICE DEPT.,
DETECTIVE BAIA, DETECTIVE BONCARDO**
Defendant(s).

10 CIV 3899

Hon. Ronald L. Ellis

DECLARATION

HINA SHERWANI, an Assistant in the Office of the Corporation Counsel, Loretta Hottinger,

I make this Declaration solely to annex Exhibits in Support of the Motion To Dismiss in the above captioned matter.

- A. Police Report and Investigation incorporated by Plaintiff in his Amended Complaint
- B. Plaintiff's Amended Complaint

Dated: Mount Vernon, New York
April 10, 2011

Yours, etc.

Loretta J. Hottinger
Corporation Counsel
Attorney for Defendant
The City of Mount Vernon
Office and PO Address
One Roosevelt Square
Mount Vernon, New York 10550



By: Hina Sherwani (HS 8283)

ICE COPY (Please make a copy for your DA's office if appropriate) **NYS DOMESTIC VIOLENCE HOTLINE** (800) 942-6906 TOLL FREE (914) 491-4900 1321 4TH AVE Copyright © 2005 by NYS DCJS

DATE		Month		Day		Year		Time (24 hrs)		Address of Occurrence		APT #		Precinct (NYC)		Alred # (NYC)		Complaint #					
08		23		09		0529								E		-		-					
08		23		09		0529				How can we safely contact you? (e.g. Name, Phone)								<input type="radio"/> Officer-Initiated <input type="radio"/> Radio Run <input type="radio"/> Walk-In					
Name (Last, First, MI) (Include aliases)										Phone		DOB		Month		Day		Year		Age			
Street & City										APT #		Zip								<input type="radio"/> Male <input type="radio"/> Female			
Injured? <input type="radio"/> No <input type="radio"/> Yes										Removed to Hospital? <input type="radio"/> No <input type="radio"/> Yes If yes, what hospital?		<input type="radio"/> White <input type="radio"/> Black <input type="radio"/> Asian <input type="radio"/> Native American <input type="radio"/> Other		<input type="radio"/> Hispanic <input type="radio"/> Non-Hispanic <input type="radio"/> Unknown						Notes (e.g. special needs, disability, responses)			
Describe																							
Name (Last, First, MI) (Include aliases)										Phone		DOB		Month		Day		Year		Age			
Street & City										APT #		Zip								<input type="radio"/> Male <input type="radio"/> Female			
Injured? <input type="radio"/> No <input type="radio"/> Yes										Removed to Hospital? <input type="radio"/> No <input type="radio"/> Yes If yes, what hospital?		<input type="radio"/> White <input type="radio"/> Black <input type="radio"/> Asian <input type="radio"/> Native American <input type="radio"/> Other		<input type="radio"/> Hispanic <input type="radio"/> Non-Hispanic <input type="radio"/> Unknown						Prior DV History? <input type="radio"/> Yes <input type="radio"/> No Prior DV police report? <input type="radio"/> Yes <input type="radio"/> No Victim fearful? <input type="radio"/> Yes <input type="radio"/> No Access to weapons? <input type="radio"/> Yes <input type="radio"/> No Suspect Drug/Alc History? <input type="radio"/> Yes <input type="radio"/> No Suspect: Hx suicide threat? <input type="radio"/> Yes <input type="radio"/> No Suspect: Probation/Parole? <input type="radio"/> Yes <input type="radio"/> No			
Describe:																							
SUSPECT/P2 present? <input type="radio"/> Yes <input type="radio"/> No										LIVING SITUATION Do parties currently live together? <input type="radio"/> Yes <input type="radio"/> No IF NO, have they lived together in the past? <input type="radio"/> Yes <input type="radio"/> No Do the parties have a child-in-common? <input type="radio"/> Yes <input type="radio"/> No		RELATIONSHIP: (SUSPECT/P2 to VICTIM/P1) <input type="radio"/> Married <input type="radio"/> Formerly Married <input type="radio"/> Intimate Partner/Dating <input type="radio"/> Former Intimate/Dating <input type="radio"/> Child of victim/party 1 <input type="radio"/> Parent of victim/party 1 <input type="radio"/> Relative <input type="radio"/> Other:											
1. Name (Street/APT#/City, if needed)										Phone		DOB		Month		Day		Year		Relationship to victim (P1)			
2.																							
3.																							
(Check all that apply) <input type="radio"/> Biting <input type="radio"/> Destroyed Property <input type="radio"/> Forced Entry <input type="radio"/> Forceful Restraint <input type="radio"/> Hair Pulling <input type="radio"/> Homicide <input type="radio"/> Impaired Alcohol/Drugs <input type="radio"/> Injury to Child <input type="radio"/> Injury to Other Persons <input type="radio"/> Injury to Pet/Animal <input type="radio"/> Interference with Phone <input type="radio"/> Intimidation/Coercion <input type="radio"/> Kicking <input type="radio"/> Punching <input type="radio"/> Pushing <input type="radio"/> Sexual Assault <input type="radio"/> Shooting <input type="radio"/> Slapping <input type="radio"/> Slamming Body <input type="radio"/> Stabbing <input type="radio"/> Strangulation/"Choking" <input type="radio"/> Suicide or Attempt										<input type="radio"/> Threw Items <input type="radio"/> Unwanted Contact <input type="radio"/> Verbal Abuse <input type="radio"/> Violated Visitation/Custody Conditions <input type="radio"/> OTHER Suspect Actions		<input type="radio"/> Threats: <i>specify</i> <input type="radio"/> Injury/Kill Persons <input type="radio"/> Injury/Kill Self <input type="radio"/> Injury/Kill Pet/Animal <input type="radio"/> Take Child <input type="radio"/> Destroy/Take Property <input type="radio"/> Other:		<input type="radio"/> Threat with weapon <input type="radio"/> Weapons used: <i>specify</i> <input type="radio"/> Blunt Object <input type="radio"/> Gun <input type="radio"/> Motor Vehicle <input type="radio"/> Sharp Instrument <input type="radio"/> Other:									
Arrest Made? <input type="radio"/> Yes <input type="radio"/> No										Arrest #		Reasons arrest not made on-scene: <input type="radio"/> No Offense Committed <input type="radio"/> No Probable Cause <input type="radio"/> Suspect Off-Scene											
<input type="radio"/> Warrant/Criminal Summons to be requested <input type="radio"/> Violation level not in police presence for citizen's arrest <input type="radio"/> Other:																							
Offenses										Law (e.g. P1)		Section (Sub)		Charges Filed		Offenses Involved, check all that apply: <input type="radio"/> Felony <input type="radio"/> Misdemeanor <input type="radio"/> Violation <input type="radio"/> Other: <i>specify</i>							
1.																<input type="radio"/> Registry Checked? <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Order of Protection? <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Stay Away Order? <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Order Violated? <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Any PRIOR code(s)? <input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> OP Court Name: <input type="radio"/> Family <input type="radio"/> Criminal <input type="radio"/> Supreme <input type="radio"/> Out of State <input type="radio"/> Tribal					
2.																							
3.																							
STOP!																							
COMPLETE STATEMENT ON PAGE 2 NEXT																							
Photos Taken? <input type="radio"/> Yes <input type="radio"/> No										IF YES, photos taken of: <input type="radio"/> Victim Injuries <input type="radio"/> Suspect Injuries <input type="radio"/> Scene <input type="radio"/> Damaged Property <input type="radio"/> Other		Other evidence collected? <input type="radio"/> Yes <input type="radio"/> No		IF YES, describe:									
Results of investigation and basis of action taken. (Were coerced statements, spontaneous admissions or spontaneous statements made?) <input type="radio"/> Yes <input type="radio"/> No (Complete 7(1)(b) or other form when applicable.)										PUNCHED FEW TIMES ON THE FACE AND THEN (P/2) PROCEEDED TO HIT (P/1) ON HER FACE. TWO DIGITAL PHOTOS WERE TAKEN ON (P/2) INJURIES. (P/3) WAS TAKEN TO HIVER FOR MEDICAL EVALUATION BY EMS. SGT MARDEN NOTIFIED AND RESPONDED TO ER. DETECTIVE BELL-MARR NOTIFIED.													
OTHER AGENCIES involved with the parties or incident (e.g. advocates, hospital, probation)										Is there reasonable cause to suspect a child may be the victim of abuse, neglect, maltreatment or endangerment? <input type="radio"/> Yes <input type="radio"/> No IF YES, officer must contact the NYS CHILD ABUSE HOTLINE REGISTRY # 1-800-635-1522													
CONTACTS INITIATED BY POLICE: <input type="radio"/> Adult Protective Services <input type="radio"/> Child Protective Services (or ACS) <input type="radio"/> Domestic Violence Services <input type="radio"/> Firearms Licensing <input type="radio"/> Mental Health <input type="radio"/> Parole <input type="radio"/> Probation <input type="radio"/> Rape Crisis <input type="radio"/> Other Agency:										Date:		Who was notified?		Notified by (initial):									
Officer's Signature (P& Rank)										(PRINT and SIGN)		ID		Month		Day		Year		1. Was DIR given to the victim at the scene? <input type="radio"/> Yes <input type="radio"/> No 2. Was Victim Rights Notice given to victim? <input type="radio"/> Yes <input type="radio"/> No IF NO give reason:			
Supervisor's Signature (P& Rank)										(PRINT and SIGN)		ID		Month		Day		Year		000000			
POLICE COPY										NYS DOMESTIC VIOLENCE HOTLINE 1-800-635-1522		SPANISH 1-800-922-6000		T22 1-800-545-5000		Copyright © 2003 by NYS DCLIS							

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09-36539

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**Page 2 of the NYS Domestic Incident Report:
STATEMENT OF ALLEGATIONS / SUPPORTING DEPOSITION**

Suspect Name (Last, First, M.I.)

BARNETT, TAPANI

I, Dwight Daise (victim/deponent name), state that on 08/23/09, (date) at 4:30 am
Yo, Dwight Daise (nombre de victima/deponente), declaro que en tal fecha 08/23/09 en 08/23/09

POUNCE TRAIL
(location of incident), in the County/City/Town/Village of Mount Vernon, of the state of New York, the following did occur:
(donde el incidente ocurrio), el condado/ciudad/aldea/pueblo de Mount Vernon, del estado de Nueva York, lo siguiente ocurrio:

A close friend of mine, this morning, I was
with me, punching me in the face
and eyes in the left the same
the face, telling me a list of
things that he had in mind to
do to me.

(Use additional pages as needed)

False Statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law.
Declaraciones falsas hechas aqui son castigables como una clase de delito menor, de acuerdo con la seccion 210.45 de la ley penal.

Victim/Deponent Signature
Firma de victima/deponente

Date
Fecha

Note:
Whether or not this form is signed, this DIR form will be filed with law enforcement.

Interpreter

Date

Nota:
Si esta forma esta firmada, o no, esta DIR forma sera registrada con la policia.

Witness or Officer

Date

0000003

POLICE COPY

0590300

04-3539

**Page 2 of the NYS Domestic Incident Report:
STATEMENT OF ALLEGATIONS / SUPPORTING DEPOSITION**

Suspect Name (Last, First, M.I.)

I, Nordia Heym (victim/deponent name), state that on 08/24/09 (date) at _____
Yo, _____ (nombre de victima/deponente), declaro que en tal fecha _____ en _____

(location of incident), in the County/City/Town/Village of Mt. Vernon, of the state of New York, the following did occur:
(donde el incidente ocurrio), el condado/ciudad/aldea/pueblo de _____, del estado de Nueva York, lo siguiente ocurrio:

On 8-23-09 I was attack by my ex-boyfriend
and I thought it was Tafari Barnett. I was nervous
and drunk and he wasnt Tafari Barnett it
was Jermaine Dickens who lived at 1350 East
gunhill Road. I made a mistake with tafari
Barnett and Jermaine Dickens and I'm very
sorry. (Dob no 41 y/a)

(Use additional pages as needed)

False Statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law.
Declaraciones falsas hechas aqui son castigables como una clase de delito menor, de acuerdo con la seccion 210.45 de la ley penal.

Nordia Heym
Victim/Deponent Signature
Firma de victima/deponente

8-24-09
Date
Fecha

Note:
Whether or not this form is signed, this DIR form will be filed with law enforcement.

Nota:
Si esta forma esta firmada, o no, esta DIR forma sera registrada con la policia.

Interpreter

Date

AD. [Signature] 9066
Witness or Officer

8/29/09
Date

000005

Page
3
of
4

[illegible]

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SUPERVISORS CASE REVIEW SHEET

INCIDENT # **A-36534**

DETECTIVE NAME LAST Bail FIRST Eric		CASE NO 1318-3 OFFICE Cam Lomax Robbery-2	LOCATION 44 Kaneland INSIDE OUT	TIME 0529HRS. DATE	DATE CLEARED	ADA ASSIGNED TO CASE LAST FIRST													
SOLVABILITY FACTOR (X)		OUT COMES (X)																	
REVIEW DATES 08/29/09	WITNESSES	SUSPECT NAMED	SUSPECT LOCATED	SUSPECT DESCRIBED	SUSPECT IDENTIFIED	SUSPECT VEH. IDENTIFIED	PHYSICAL EVID. PRESENT	STOLEN PROP. TRACEABLE	DISTINGUISHING M.O.	FINGERPRINTS	WARRANT SOUGHT	WARRANT OBTAINED	CLEARED BY ARREST	UNFOUNDED	NOT CLEARED	EXCEPTIONAL CLEARANCE	CONVICTION	ADULTAL	SUPERVISOR'S SIGNATURE Det. Sgt. Joseph [Signature]
COMMENTS FIRST REVIEW 08/29/09 CC-A-1 Det Sgt Joseph [Signature]		COMMENTS SECOND REVIEW					COMMENTS THIRD REVIEW												

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CITY OF MOUNT VERNON POLICE DEPARTMENT
DETECTIVE DIVISION

INCIDENT #: 09-36534 DETECTIVE DIVISION CASE #: 1318-33

Criminal Contempt / Robbery-2nd CASE STATUS: ACTIVE

DATE REPORTED: 08-24-09 TIME REPORTED: 0529 HRS.

II. SCENE - GENERAL

A. 1. RESIDENTIAL :

2. Address:

a. 41 Rochelle Tr. Mount Vernon, New York

3. Specific Area

a. Sidewalk / IFO above location.

b. Early morning.

c. Weather conditions: Clear.

III. SCENE - CRIME

A. Physical Evidence - General

1. Description of evidence

a. One photo array of the suspect Tafari Barnett / and photo's of the victim's injuries / vouchered and secured by the undersigned detective @ H.Q. approx 2300Hrs.

IV. PEOPLE

A. Victim

1. Wright, Nordia / F / B / Age: 28YOA / DOB:

a. Address:

b. Usual Occupation: Night Manager B.J's Wholesale

c. ACCOUNT: Refer to hand written statements.

2. Douse, Dwight / M / B / Age: 19YOA / DOB:

a. Address: , N.Y. 10550

b. Usual Occupation: ers

c. ACCOUNT: Refer to attached statement

B. All Persons on Scene

1. Law Enforcement Personnel

a. Sgt. Marren / Pat. Div / NRR.

b. PO. Monge # 2066 / Pat. Div / 09-36534.

c. Det. Bell-Mack / DD / NRR.

d. Det. Baia #134 / DD / DD# 1321-33

C. Suspects/Defendants

1. Barnett, Tafari / M / B / 30YOA / DOB:

a. Address: / Mount Vernon, N.Y. 10550

b. Usual occupation: N/A.

d. description: M / B / 5'08" / 170lbs /

Det Sgt Marren

000040

(Signature)

V. ADDITIONAL INFORMATION:

On 08-26-2009 the undersigned detective was notified of this investigation. The undersigned detective spoke to victim#2 (Dwight) and advised him respond into H.Q. to view a photo array, and obtain a statement. Dwight advised that he would respond into H.Q. at 1500Hrs. on this date.

@ 1210Hrs. the undersigned Detective responded to Victim#1's (Nordia) job @
located in . in an attempt to obtain a statement. (Nordia is the night Manager at
said location, and works 11pm-7am). The undersigned then responded to Nordia's home at
which yielded negative results. The undersigned will follow up with both
parties.

On 08-27-09 @1840Hrs. Detective Boncardo#133, and the undersigned detective responded to
to speak to the victim in this incident. The undersigned detective asked Nordia to
confirm that Tafari Barnett was her child's father, and was in fact the person responsible for this
incident. Nordia advised that it was not Tafari, and stated she responded into H.Q. (08-24-09) and
completed a supplement report stating that it was another ex-boyfriend by the name of
(06-14-64). The undersigned asked Nordia how she wanted to proceed with this matter, she
advised that she did not want to pursue any further police action. The undersigned asked Nordia, how
Dwight (the second victim) was going to proceed with this matter, she advised that Dwight did not
want to pursue either.

*(It should be noted that the undersigned detective did not have the written statements that
were attached to the original Domestic Incident Report).

@ 2130Hrs. the undersigned detective received a phone call from Dwight, who stated that he
could come into H.Q. I stated to him that I spoke to Nordia who advised the undersigned that he did
not want to cooperate. He stated that was not the case at all he received stitches for his injuries, and
wanted to pursue this matter. The undersigned advised him to respond into H.Q.

@ 2145Hrs. the undersigned asked if he knew who was responsible for this, he stated that he
does not personally know the guy , however he believed his name was Tafari, and he was Nordia's
child's father. The undersigned showed Dwight a photo array, where he identified Tafari Barnett (
Mount Vernon Jacket # 67920A). A statement was obtained from Dwight.

The undersigned detective believes Nordia is not being truthful to this matter due to the fact of
who Dwight identified, is in fact the original person named as a suspect in this incident (Tafari).
Additionally a criminal history of Tafari revealed that he is actively on parole, and that there is a valid
Order of protection on file between Nordia, and Tafari.

The undersigned will confer with the District Attorney's office in regards to filing charges
against Nordia for falsely reporting. The undersigned will contact New York State Parole in an
attempt to determine his next scheduled parole visit.

Detective [Signature]

000045



CASE ACTIVE PENDING ARREST.


SUBMITTED BY: Det. Baia#134.

DATE SUBMITTED: 08-27-09.

Certified By: Det. Sgt. Joseph [Signature]

0000010

MOUNT VERNON POLICE DEPARTMENT
DETECTIVE DIVISION
MV-61B SUPPLEMENTARY REPORT

DATE OF INCIDENT: 08-23-09

LOCATION OF INCIDENT: 41 Rochelle Terr. Mount Vernon, N.Y.

INCIDENT #: 09-36534

DETECTIVE DIVISION 61B #: 1314-33

TYPE OF OFFENSE: Robbery 2nd / PL 160.10(2) A

COMPLAINANT/VICTIM: Wright, Nordia DOB: 11-22-80 / Douse, Dwight 01-19-76

ADDRESS: 41 Rochelle Terr. Mount Vernon, N.Y.

TELEPHONE: (914) 752-8208

NARRATIVE:

On 08-28-09 @ 2055Hrs Det.Soreca#154, Notarfrancesco#126, and the undersigned responded to 8 E 4th St. apt A14 and spoke to Claudette Dunn (Tafari's mother). Ms. Dunn advised that Tafari was not home, and would have him contact the undersigned detective.

@ 2115Hrs. the undersigned received a phone call from the front desk that the Deft. (Tafari Burnett) was at the front desk. At this time Det.Soreca #154, and the undersigned detective responded to the front desk and escorted Tafari to the Detective Bureau. The undersigned detective asked Tafari what his hand preference was, and he advised that he was right handed. At this time Tafari was advised of his Miranda warnings. Tafari understood his rights and waived his right to counsel. The undersigned asked where he was on the date of this incident 08-23-09 @ approx. 0529Hrs. Tafari advised that he was home, because he now has a curfew and had to be home by 9PM. And could leave his home by 7AM. The undersigned detective asked Tafari when the last time he spoke to Nordia Wright, he stated "she was the reason why he just came out from doing three years, I ain't messing with her she has an order of protection against me". (*It should be noted that while Tafari was serving his most recent prison sentence he was convicted of Agg. Harassment 2nd by communicating with Nordia Wright by letter refer to incident #08-36167).

The undersigned explained to him that he was identified in this case, Tafari stated that he couldn't believe this because he is on Parole. At this time the undersigned had Tafari place both of his hands on the table. Upon doing so Det.Soreca observed a healing cut on his left middle finger knuckle. Tafari could not explain where he received the cut from, he stated simply "don't know". The undersigned photographed Tafari's hands, and concluded our interview. Tafari continued denying involvement in this matter.

2145Hrs. Tafari was placed under arrest and escorted to the cell block area. While processing Tafari the undersigned detective was taking a mugshot photo of Tafari. Upon completion of taking photo's Det.Soreca had Tafari sign his property receipt. Det.Soreca handed Tafari the pen and noticed that he took the pen, and signed the receipt with his left hand. Tafari again signed with his left hand during the printing process. The photo's of Tafari's hand and his Miranda form were submitted as evidence, by the undersigned detective. Tafari was booked on Robbery-2nd by Sgt.Dellamura.

Det Sgt 1/20

000001

CONCLUSION:

CASE CLOSED BY ARREST..

Det. Baia #134
SUBMITTED BY: Det. Baia #134.

DATE SUBMITTED: 08-28-09.

INCIDENT#: 09-36534

CERTIFIED BY: *Det. Sgt. Joseph [Signature]*

0000012

POLICE DEPARTMENT) TIME STARTED: 2150Hrs.
CITY OF MT. VERNON) TIME FINISHED: 2250Hrs.
COUNTY OF WESTCHESTER) SS. DATE: 08-27-09
STATE OF NEW YORK) INCIDENT: 09-36534

CASE #: 1318-

NOTICE: The making of false statements in this instrument is punishable as a Class A Misdemeanor pursuant to Section 210.45 of the New York State Penal Law.

I, the undersigned Dwight Douse do reside and I am 33 years of age being born on 11-19-76. I am presently employed at Self employed the name of . I have a home phone number of () and my work phone is: . I do hereby make the statement to Detectives Bara #134, and Detective Boncardo#133 knowing them to be members of the Mount Vernon Police Department.

Q. Dwight the Mount Vernon Police Dept. is currently investigating an Robbery incident that Occurred in the early morning hours of 08-23-09 @ 0529Hrs in front of 41 Rochelle Terrace Mount Vernon N.Y. That of which you were a victim of in your own words can you describe to me exactly what happened?

A. Me and my brother, Omar Douse went to Dazzles bar in Mount Vernon, that's when we met up with Nordia Wright, and her sister Dahlia. At the end of the night they asked for a ride home so I took my brother to the Bronx. Then I went to 41 Rochelle Terrace to drop off Nordia, and her sister Dahlia. Dahlia went inside the house, while Nordia, and I we sitting in my car in front of Nordia's house. That's when this guy opened my door I looked at him, and he just started punching me in the face hard, in both of my eyes. I didn't know what was going on. Then he pulled me out of the car and took my "Gucci" belt, he went into my pockets and took my money from my left front pocket about \$60-\$70, and he took my "Gucci" slippers from my feet, he took my wedding band from my hand, I had a silver "Guess" watch with a black band, and another ring I had in my car. I was trying to push him off but he kept hitting me. I think he used my windshield rear view mirror, because the next day I noticed the mirror was off and on the front seat.

Q. Dwight can you describe the rings he took?

A. My, wedding band was white gold, and it had diamonds in it. The other ring in the car was a silver ring with blue and yellow CZ in the shape of a rectangle it was not real diamonds.

Q. Dwight what did he do after he finished taking your things?

A. I don't know what, or where he went.


Q. Just before taking this statement Dwight I showed you a photo array did you recognize anyone?

A. Yes number 1, that's the guy that kept punching me.

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- Q. Dwight this person is known to the Mount Vernon Police Dept. as Tafari Barnett do you know who this party is?
- A. I don't know him , but I heard that it's her babies father.
- Q. In Nordia's original Police Report she lists Tafari Barnett as the suspect, do you recall her telling Officer Monge this?
- A. Tell you the truth, after I took those hits I wasn't really paying attention to Nordia.
- Q. Dwight did you receive any medical treatment for you injuries?
- A. Yes, I got about 15 stitches in total around my right eye, my left eye was a little cut , but It was swollen. The Dr. gave me a prescription for antibiotics, three prescriptions for my eyes (eyedrops).
- Q. Dwight you received stitches was there any blood in your car?
- A. Yes, but I had the car cleaned because of all the blood, that's when I noticed the rearview mirror was broken.
- Q. Dwight I have to ask you, did you tell this to the officer that took the original report?
- A. I don' really remember I was in a lot of pain that night.
- Q. Dwight what kind of car were you in when this happened?
- A. It was a 2008 Green Hyndai Sonata.
- Q. Dwight do you have anything further to add to this statement?
- A. No,I just want to go home because my head hurts.

Dwight Douse:  08-27-09.

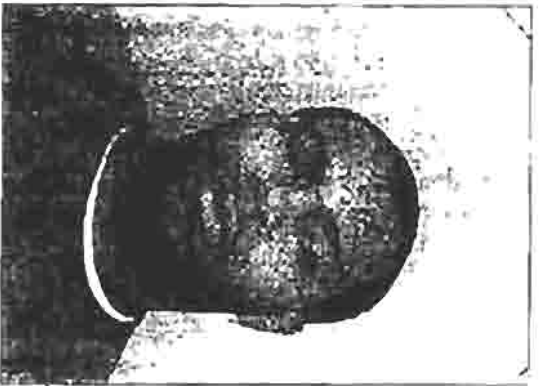
Det. Baia#134:  #134. 08-27-09.

Det. Boncardo#133:  #133. 08-27-09.

0000014

Police Photo Linenup

Case #



NY0590300000067920A



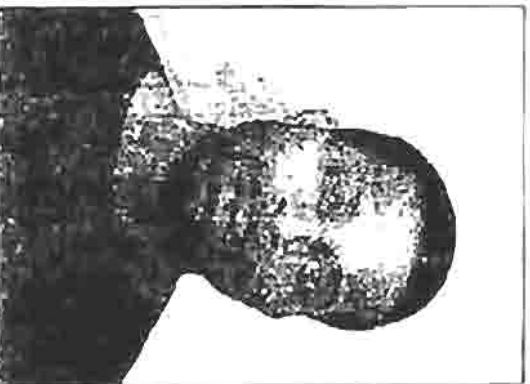
NY0590300000083512A



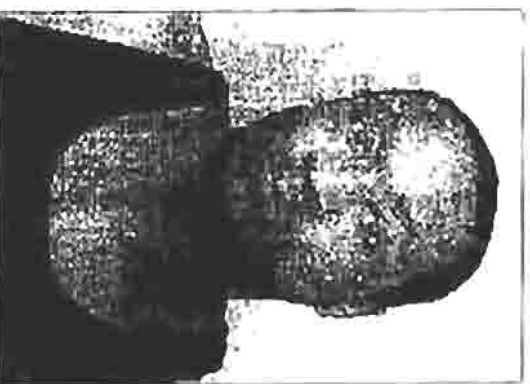
NY0590300000083512A



NY0590300000092170A



NY0590300000092171A

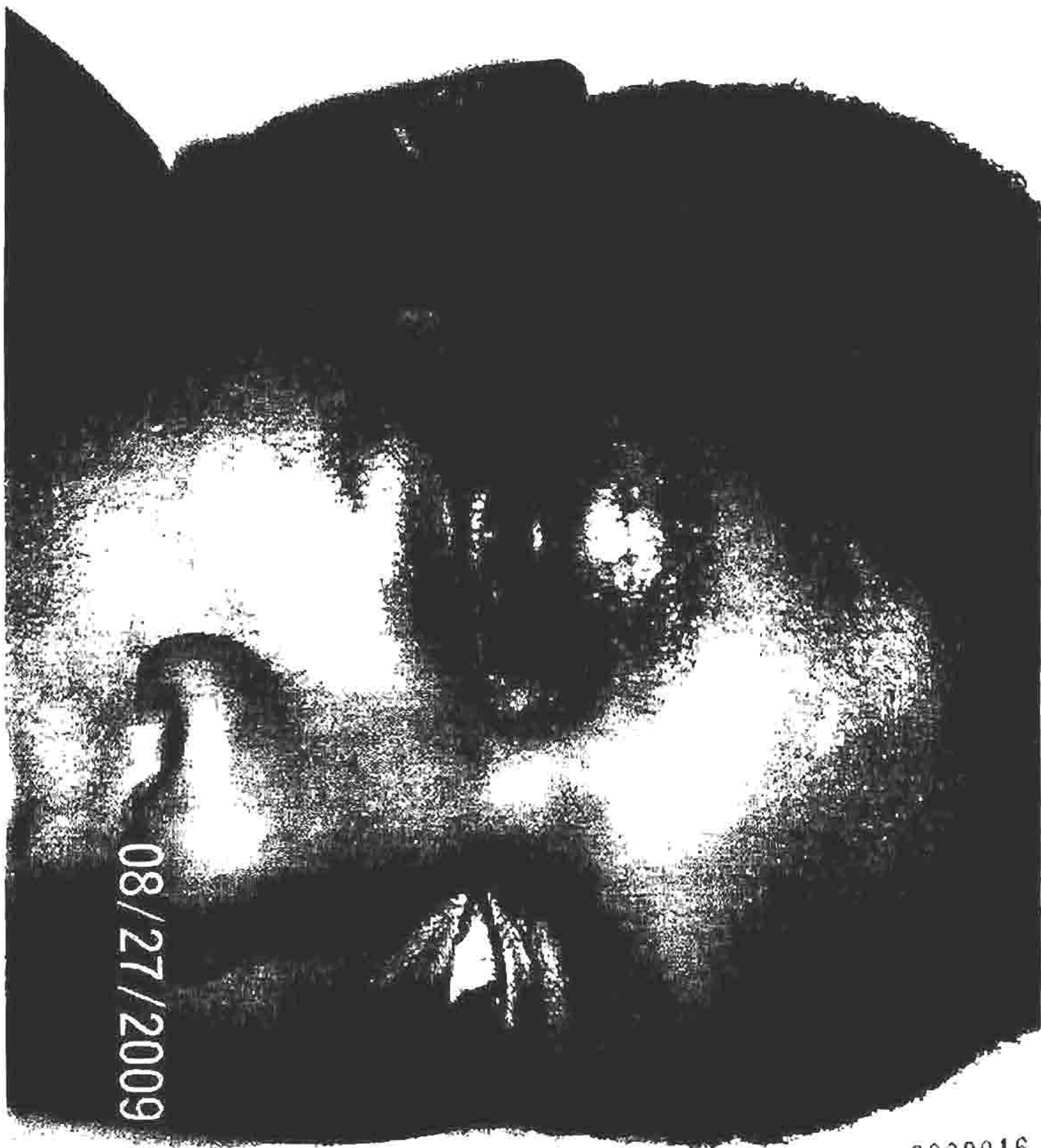


NY0590300000092171A

0300015

I have identified picture # 1 as the suspect on 3-2-11 (Date)

Signature: [Signature]

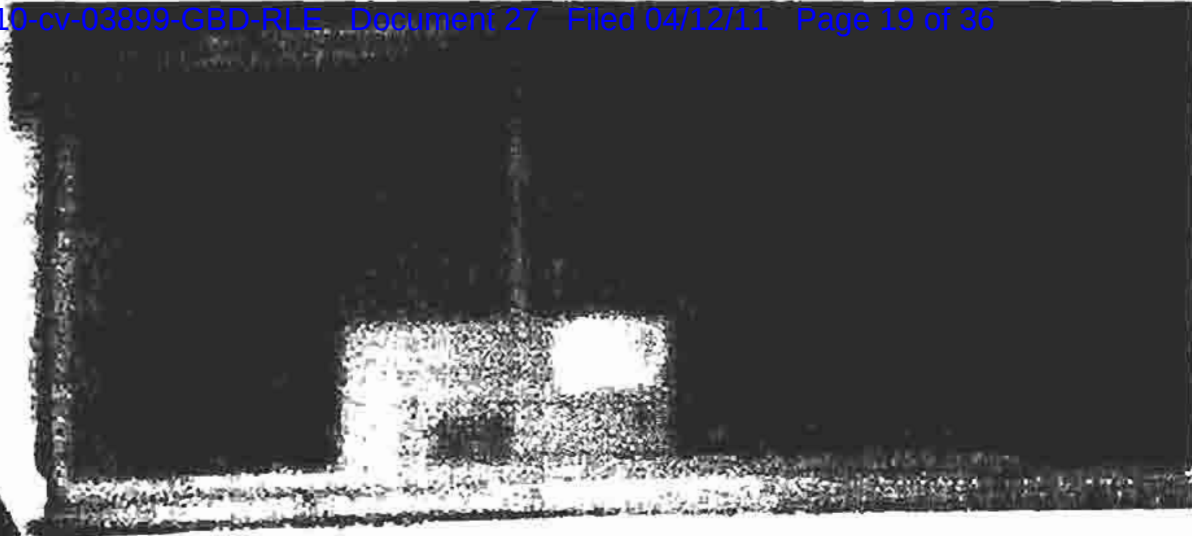


0000016



0300017

08/27/2009



08/27/2009



0000018

POLICE # MT. VERNON POLICE DEPARTMENT MIRANDA WARNING		STATUS <input type="checkbox"/> ACTIVE <input checked="" type="checkbox"/> INACTIVE	RELEASED BY <input checked="" type="checkbox"/> ARREST <input type="checkbox"/> WARRANT <input type="checkbox"/> OBTAINED	<input type="checkbox"/> APPEARED TO # AS <input type="checkbox"/> RETURNED FOR OR <input type="checkbox"/> INVESTIGATION	<input type="checkbox"/> NO PROSECUTION <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> REFERRED TO OTHER AGENCY <input type="checkbox"/> OTHER
SPECIAL <input type="checkbox"/> FUGITIVE <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> P.O. #		INCIDENT NUMBER 09-36534		TYPE OF OFFENSE / INCIDENT ROBBERY - 2°		
DATE OF INCIDENT 08-23-09		TIME OF OCCURRENCE 0524		PLACE OF OCCURRENCE 41 ROCHELLE TR.		STATUS AFTER INVESTIGATION CLOSED
DATE 8-23-09		TIME 2120HRS.		CASE No. 1318-3		

MIRANDA WARNING — YOUR RIGHTS

Name: TAFARI PALNETI D.O.B.: _____

Address: _____

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING, IF YOU WISH.

Do you understand each of these rights I have explained to you?

☒ YES Signature [Signature]

☐ NO Signature _____

Having these rights in mind do you wish to talk to us now?

☒ YES Signature [Signature]

☐ NO Signature _____

IF A JUVENILE, PARENT/GUARDIAN MUST WITNESS AND SIGN

Parent/Guardian Signature: _____

P.O./DET. WILL WITNESS THE ABOVE SIGNATURES BY SIGNING

Signature: Det. Praia #134 P.O./DET. 134

Signature: [Signature] P.O./DET. 654

6100000

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOCUMENT
ELECTRONICALLY FILED
DOC #: 4
DATE FILED: 5/27/2010

PRO SE OFFICE

TAFARI BARNETTPlaintiff10 Civ. 3899 () ()

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

AMENDED
COMPLAINTunder the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)MOUNT VERNON POLICE DEPT.,DET. BAIA,DET. BONCARDO,Defendants.Jury Trial: ☒ Yes ☐ No

(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name TAFARI BARNETT
ID # 47141
Current Institution WESTCHESTER COUNTY JAIL
Address P.O. BOX: 10, VALHALLA, NY 10595

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Mount Vernon Police Dept., Shield #
Where Currently Employed
Address 2 Roosevelt Square, 2nd fl.,
Mount Vernon, NY 10550

Defendant No. 2 Name Det. Enzo Baia Shield # 134
Where Currently Employed Mt. Vernon Police Dept.
Address 2 Roosevelt Square, Mt. Vernon, NY 10550

Defendant No. 3 Name Det. Boncardo Shield # 133
Where Currently Employed Mt. Vernon Police Dept.
Address 2 Roosevelt Square, Mt. VERNON, NY 10550

Defendant No. 4 Name _____ Shield # _____
Where Currently Employed _____
Address _____

Defendant No. 5 Name _____ Shield # _____
Where Currently Employed _____
Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A In what institution did the events giving rise to your claim(s) occur? MT. VERNON POLICE
DEPT. 2 Roosevelt Square, MT. Vernon, NY 10550

B. Where in the institution did the events giving rise to your claim(s) occur? IN THE
DET. DEVISION, INVESTIGATION ROOM

What date and approximate time did the events giving rise to your claim(s) occur? ON
AUGUST 27, 2009, BETWEEN 9:50 pm AND 10:50 pm

FACTS:

On August 27 ,2009, between the hours of 9:45 pm and 10:50 pm, Mount Vernon Det. Baia (Sh # 134) and Det. Boncardo (Sh # 133), interviewed an assault victim (Dwight Douse) regarding an incident, (Incident No. 09-36534, Case # 1318).

During the interview with the victim Dwight Douse, the two aboved mentioned Detectives showed Mr.Douse a six pack array containing plaintiffs photo.The photo array that was used by Detectives in that interview, was a photo array that had the plaintiffs photo already circled as No.3 , and it was also signed an Dated by (MALCOM JEFFERSON) the victim in the plaintiff felony case from 2007, That the plaintiff is courently on parole for.(PLEASE SEE PHOTO ARRAY ATTACHED, EXHIBIT No. 1).

The victim Mr. Douse was coerced into his identifilecation of the plaintiff (Mr. BARNETT) on the photo array shown to him by above mentioned Detectives.The victim clearly stated to Det. Baia and Det. Boncardo, that it was suspect No. 1 on that photo array that assaulted and robbed him. But Detectives proceeded to tell the victim that No.1 on said photo array is known to the Mt. Vernon Police Dept. as " TAFARI BARNETT ", but plaintiff phot was No. 3 on photo array not No.1. (PLEASE SEE VICTIM STATEMENT MADE ON 8/27/09, ATTACHED,EXHIBIT No.2).

Even though there was no warrant issued for plaintiffs arrest, Mr. Barnett was still arrested and charged with robbery in the 2nd Degree on 8/28/09.(PLEASE SEE FELONY COMPLAINT, EXHIBIT No.3).

At second felony hearing on 9/23/09, the charges was reduce from a felony to a Misdemeanor.(PLEASE SEE SUPERSEDING MISDEMEANOR INFORMATION, EXHIBIT No.4).

Four months after the plaintiff was arrested, there was a Wade hearing in the Mount Vernon Criminal Court on 1/4/10. At that Wade hearing the District Attorney introduced a second six pack photo array into evidence, with plaintiff's photo as No.1, the date on that photo array is 8/23/09, the date of said incident, but in statement made by victim on 8/27/09, he stated that the person that assaulted him was No.1. The victim's statement was made on the same date he was shown that photo array, which was 8/27/09, not 8/23/09.

(PLEASE SEE SECOND PHOTO ARRAY, EXHIBIT No.5, AND ALSO LOOK BACK TO EXHIBIT No.2).

The victim also made a statement to plaintiff's parole officer. Parole officer Gibbs, on the date of plaintiff's first felony hearing on 9/8/09, stating that the person that assaulted him "was tall, chubby, dark skin and head was shaved bald with his face lined with facial hair". (PLEASE SEE STATEMENT TO PAROLE OFFICER, EXHIBIT No.6).

I have been in jail on this case since 8/28/09, and the case is still pending in the Mt. Vernon criminal Court.

informed, when and how, and their response, if any _____

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies _____

There was no Administrative Remedies to Exhaust.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). The Plaintiff Mr. Barnett is seeking an order of protection against Det.s Baia and Boncardo in fear of retaliation, and monetary damages in the amount of \$ 250,000.00 dollars for false imprisonment, falseified evidence, stress, pain and suffering, and the violation of plaintiffs State and Federal Constitutional Rights.

VI. Previous lawsuits:

A Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ___ No X

B If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ___ No ___

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

C Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ___ No X

D If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ___ No ___

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 21 day of May, 2010

Signature of Plaintiff

Tafari Barnett
Tafari Barnett

Inmate Number

47141

Institution Address

P.O. BOX: 10

Valhalla Ny, 10595

Westchester County Jail

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 21 day of May, 2010, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff

Tafari Barnett

ELIZABETH STUART
Notary Public, State of New York
No. 018T6050907
Qualified in Westchester County
Commission Expires November 13, 2010
Subscribed and affirmed before me this 21 day
of May, 2010 in the county of
Westchester, State of New York

5-21-10

NWS Police Department Photo Line-up

Proff 1 ENG (old photo anyway)
8/1/07 ES

Case # 2007-000000

2/2/08
@ Henry

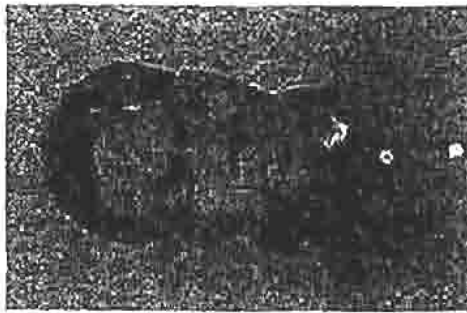
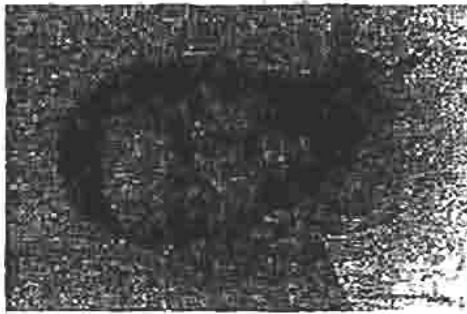
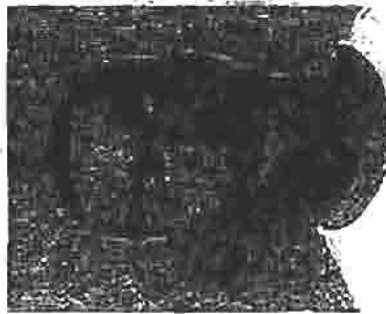
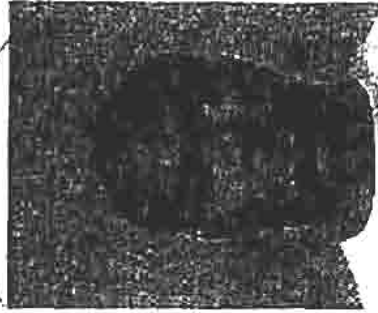
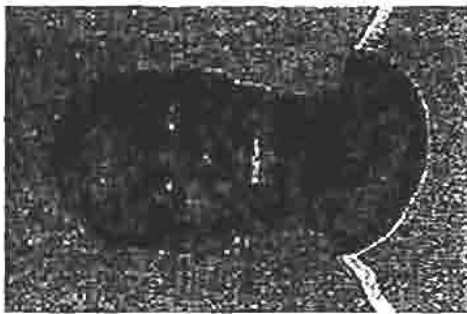


EXHIBIT No. 1



I have identified picture # 1 as the suspect on 8/1/07 (Date)

Signature: [Signature]

EXHIBIT No. 2

Q. Dwight this person is known to the Mount Vernon Police Dept. as Tafari Barnett do you know who this party is?

A. I don't know him, but I heard that it's her babies father.

Q. In Nordia's original Police Report she lists Tafari Barnett as the suspect, do you recall her telling Officer Monge this?

A. Tell you the truth, after I took those hits I wasn't really paying attention to N. dia.

Q. Dwight did you receive any medical treatment for you injuries?

A. Yes, I got about 15 stitches in total around my right eye, my left eye was a little cut, but it was swollen. The Dr. gave me a prescription for antibiotics, three prescriptions for my eyes (eyedrops).

Q. Dwight you received stitches was there any blood in your car?

A. Yes, but I had the car cleaned because of all the blood, that's when I noticed the rearview mirror was broken.

Q. Dwight I have to ask you, did you tell this to the officer that took the original report?

A. I don't really remember I was in a lot of pain that night. His statement was made at 4:30 pm 11 hours after

Q. Dwight what kind of car were you in when this happened?

A. It was a 2008 Green Hyundai Sonata.

Q. Dwight do you have anything further to add to this statement?

A. No, I just want to go home because my head hurts.

Dwight Douse:



08-27-09.

Det. Baia #134:



08-27-09.

Det. Boncardo #133:



08-27-09.

EXHIBIT No. 2

POLICE DEPARTMENT)
 CITY OF MT. VERNON)
 COUNTY OF WESTCHESTER) SS. DATE: 08-27-09
 STATE OF NEW YORK) INCIDENT: 09-36534
 CASE #: 1318-

NOTICE: The making of false statements in this instrument is punishable as a Class A Misdemeanor pursuant to Section 210.45 of the New York State Penal Law.

I, the undersigned Dwight Douse do reside at [REDACTED] and I am [REDACTED] years of age being born on [REDACTED]. I am presently employed at Self employed the name of my business is [REDACTED]. I have a home phone number of [REDACTED] and my work phone is: [REDACTED]. I do hereby make the statement to Detectives Bula #134, and Detective Boncardo #133 knowing them to be members of the Mount Vernon Police Department.

Q. Dwight the Mount Vernon Police Dept. is currently investigating an Robbery incident that Occurred in the early morning hours of 08-23-09 @ 0529Hrs in front of 41 Rochelle Terrace Mount Vernon N.Y. That of which you were a victim of in your own words can you describe to me exactly what happened?

A. Me and my brother, Omar Douse went to Dazzles bar in Mount Vernon, that's when we met up with Nordia Wright, and her sister Dahlia. At the end of the night they asked for a ride home so I took my brother to the Bronx. Then I went to 41 Rochelle Terrace to drop off Nordia, and her sister Dahlia. Dahlia went inside the house, while Nordia, and I we sitting in my car in front of Nordia's house. That's when this guy opened my door I looked at him, and he just started punching me in the face hard, in both of my eyes. I didn't know what was going on. Then he pulled me out of the car and took my "Gucci" belt, he went into my pockets and took my money from my left front pocket about \$60-\$70, and he took my "Gucci" slippers from my feet, he took my wedding band from my hand. I had a silver "Guess" watch with a black band, and another ring I had in my car. I was trying to push him off but he kept hitting me. I think he used my windshield rear view mirror, because the next day I noticed the mirror was off and on the front seat.

Q. Dwight can you describe the rings he took?

A. My wedding band was white gold, and it had diamonds in it. The other ring in the car was a silver ring with blue and yellow CZ in the shape of a rectangle it was not real diamonds.

Q. Dwight what did he do after he finished taking your things?

A. I don't know what, or where he went.

Q. Just before taking this statement Dwight I showed you a photo array did you recognize anyone?

A. Yes number 1, that's the guy that kept punching me. (1) I do

STATE OF NEW YORK COUNTY OF WESTCHESTER

THE PEOPLE OF THE STATE OF NEW YORK

Against

TAFARI BARNETT 04-09-79
8 E 4TH ST APT #14
MOUNT VERNON, N.Y. 10550

EXHIBIT NO. 3

Defendant(s)

Be it known that the complainant herein DET Bais#134 of the Mount Vernon Police Department accuses the defendant(s) named above of the following offences committed at 41 Rochelle Terrace in the City of Mt. Vernon County of Westchester, N.Y. on the 23rd day of August, 2009 at about 07:20Hrs.

Count One: Robbery 2nd / PL 160.10 (2) a

Facts: A person is guilty of robbery in the second degree when he forcibly steals property and when
2 In the course of the commission of the crime or of immediate flight therefrom he is another participant in the crime:

(a) Causes physical injury to any person who is not a participant in the crime.

TO WIT: The defendant did repeatedly punch Dwight Douse in the face drag Dwight from his vehicle continue to punch him, and forcibly take his property from his person. The victim sustained multiple cuts, and swelling to his eyes, requiring approximately 15 stitches on the above and time

PLEASE TAKE NOTICE, that in accord with Section 710.30 of the Criminal Procedure Law, the District Attorney hereby gives notice to offer in evidence during the trial of this matter, all admissions and confessions made by the defendant as well as all identification evidence.

above allegations of fact made by the complainant herein on information and belief with the basis of the complainant information and the grounds for his belief being direct knowledge.

IN WITNESS WHEREOF, I, the District Attorney, have hereunto set my hand and the seal of the District Attorney's Office, at Mount Vernon, New York, this 15th day of April, 2010.

[Signature]
DET Bais#134

Sealed

EXHIBIT No. 4

CITY COURT
CITY OF MOUNT VERNON
COUNTY OF WESTCHESTER

Incident No: 09-36534
TOP/Non-Fam. Dwight Douse

SUPERSEDING MISDEMEANOR INFORMATION

THE PEOPLE OF THE STATE OF NEW YORK
-against-

TAFARI BARNETT 8 East 4th Street, apt. A14, Mount Vernon, New York 10550 4/9/79
Defendant(s)

Be it known that the complainant herein Detective Baia, of the City of Mount Vernon Police Department, Westchester County, New York, accuses the defendant(s) named above of the following offense(s) committed at 41 Rochelle Terrace, City of Mount Vernon, New York at about 8/23/09 at approximately 5:29 a.m.

COUNT ONE : The Offense of PETIT LARCENY, a violation of Penal Law PL 155.25 AMO

COUNT TWO : The Offense of ASSAULT IN THE THIRD DEGREE, a violation of Penal Law PL 120.00 01 AM3

COUNT THREE : The Offense of HARASSMENT IN THE SECOND DEGREE, a violation of Penal Law PL 240.26 01 0V2

The Defendant(s) he/she steals property. The Defendant(s) with intent to cause physical injury to another person, he/she causes such injury to such person or to a third person. Assault in the third degree is a class A misdemeanor. The Defendant(s) with intent to harass, annoy and alarm another person, he/she strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same.

To wit: The defendant(s) at the above date, time & place, with the intent to cause physical injury to Dwight Douse, did drag Dwight Douse out of the front passenger seat of a motor vehicle and proceeded to punch Mr. Douse repeatedly about the head and face causing Mr. Douse to blackout. At that time the Defendant stole property on the person of Mr. Douse, to wit, approximately \$70.00 USC, a Gucci belt, Gucci shoes, 2 rings and a Guess watch. As a result of the defendant's actions, Mr. Douse required immediate medical attention and (12) stitches to the right side of his face as well as substantial pain, bruising and swelling.

The above allegation(s) of fact are made by the complainant herein based upon the attached supporting depositions of Dwight Douse and Nordia Wright.

NOTICE: PURSUANT TO THE PENAL LAW, SECTION 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN.

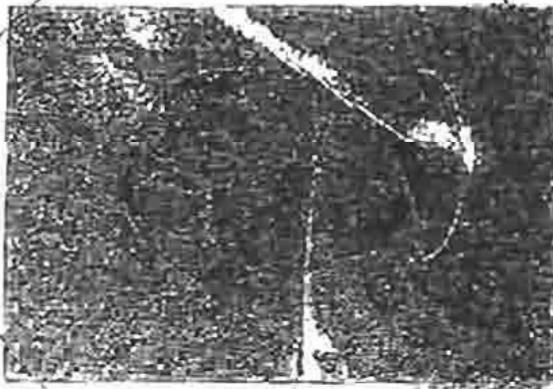
Det. Baia #134

September 23, 2009

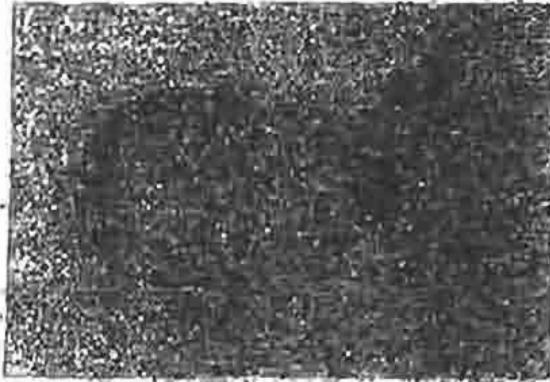
Signed

Police Photo Lineup

Case # 1318-23



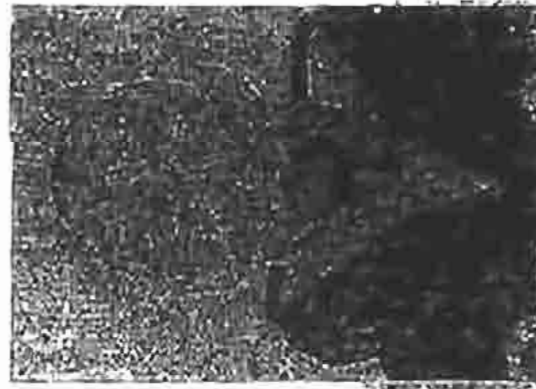
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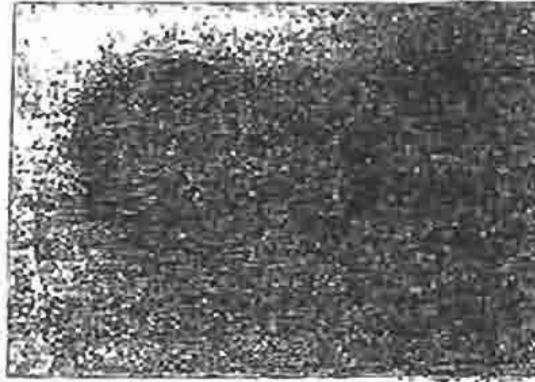
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NY0590300000049170A



NY0590300000171711A



NY0590300000131679A

EXHIBIT NO. 5

I have identified picture # 1 as the suspect on 8-23-09 (Date)

Signature:

EXHIBIT No. 6

STATE OF NEW YORK - EXECUTIVE DEPARTMENT - DIVISION OF PAROLE
VIOLATION OF RELEASE REPORT

NAME: Burnett, Tolan

NYSID NO.: 08-66412N

DIN NO.: 07-A-5594

Case Summary

Tolan Burnett is a 20-year-old male serving a 1-0-0 year sentence based on his conviction for Assault 2°. He was sentenced in Westchester Supreme Court by Judge Henry on 10/3/07. Subject will reach his Post-Release max Expiration date on 7/24/12.

Crime(s): 160.50 & 160.50 - Assault
(See Attached)

Current Adjustment: Subject was paroled on 7/24/09 and during this brief period he seemed to have been making a fair adjustment. Aside from his 8/28/09 arrest, the only noteworthy concern thus far was his curfew violation on 8/18/09.

Reporting Status: Subject was a weekly report status and reported as directed. Subject appeared cooperative and mannerable when reporting.

Residence: Subject resided at 1 East 4th Street apt. # 14 Mt. Vernon with his mother. He was seen at the home on 6/21/09 and no problems were reported during this visit.

Special Conditions:

Subject has yet to gain employment but has applied for DSS. Subject has a curfew imposed at 9 pm to 7 am. As mentioned, he violated his curfew on 8/18/09 where a violation was made at 9:30 pm. Subject claimed a relative took him shopping and they got stuck in traffic.

Subject's legal guardian reports a change in his behavior since Mt. Vernon NY and his progress report indicates he attends all sessions.

Violative Behavior

On 8/21/09, an arrest notice was received in the New Rochelle Area Office informing that on 8/28/09 subject was arrested for a crime having occurred on 8/21/09 at about 5:29 am. It is alleged that subject dragged one Dwight Douse out of the front passenger seat of a vehicle and proceeded to punch him repeatedly about the head and face, causing Mr. Douse to blackout. Subject reportedly stole property from the victim's person.

Victim Statement (See Attached)

I went out clubbing my brother the night of the incident, we left the club together and I drop him off home and then went back to the club to pick up Nadia and her sister Dalila to drop them home. Nadia and I were sitting in my car chilling and talking, while I was relaxed with my head back. I saw a car pass with two guys, then I saw a guy approach my car, open the door and grab me out and I look at him to see what was going down, then he punch me in my eye and he punch knock me out, but he continued to keep on punching me in my face until I was bloody and knock out cold.

He then took my jacket belt, truck's zipper, cell phones, car keys along with my car money I had on me and left me to die. He was tall, chubby, dark skin and his head was shaved bald with his face line with facial hair.

Parolee's Statement

According to the subject, he was out in stolen identity and totally denied the charges. He stated that Nadia one of the girls with Dorise is his son's mother who falsely

FR: TAFAR, Barnett
P.O. Box: 110
Valhalla, NY
10595



To: Pro Se Clerk
United States District Court
Southern District of NY
U.S. Courthouse - 500 Pearl St
NY, NY 10007

POSTAGE DUE



Legal Mail

100071314

Legal Mail